

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ESPN, INC.,

Plaintiff,

- vs -

QUIKSILVER, INC.,

Defendant.

CIVIL NO.: 08 Civ. 4222 (CM) (MHD)

DECLARATION OF MATT GIZZI

QUIKSILVER, INC.,

Counterclaimant,

- vs -

ESPN, INC.,

Counterdefendant.

DECLARATION OF MATT GIZZI

MATT GIZZI declares under penalty of perjury that the following is true and correct:

1. I am the Senior Manager of Event Marketing for ESPN, Inc. ("ESPN"), and I submit this Declaration in opposition to Quiksilver, Inc.'s ("Quiksilver") motion to transfer this case to California.

2. I have been an employee of ESPN since 2001 and work in ESPN's offices at 77 West 66th Street in New York. I handle various event marketing matters for ESPN, including those matters pertaining to the X Games.

3. When a company like Quiksilver sponsors an X Games event, it is my job to ensure

that whatever deal points the sponsor negotiated with ESPN sales staff are actualized. For example, I ensure that an X Games sponsor who is promised a certain amount of signage at an event and/or a booth to promote its merchandise in a desirable location at the event does indeed receive those items.

4. In 2004 and 2005, along with Kathleen Sullivan at my office, I dealt with Roger Russell at Quiksilver, and Pam Zam at DC Shoes, one of Quiksilver's brands, on the 2005 Winter X Games in Aspen, Colorado.

5. During this period, I had frequent e-mail and telephone contact with Roger and Pam, who were both aware that Kathleen and I worked in New York City. Attached as Exhibit A are e-mails between me, Kathleen, Roger, and Pam, including one where I asked Pam to fax the proof for the DC Shoes logo to my attention at (212) 456-6774.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 26th day of June, 2008.


MATT GIZZI

Re: Winter X 05 Deadlines

Page 1

Gizzi, Matt

From: Pam Zam [pzam@dcshoes.com]
Sent: Wednesday, November 10, 2004 12:08 PM
To: Gizzi, Matt
Subject: Re: Winter X 05 Deadlines

Matt-
Approved.
Thanks
-Pam Zam

On 11/9/04 11:31 AM, "Gizzi, Matt" <Matt.Gizzi@espn.com> wrote:

Hi Pam,
Attached is the proof of the DC logo that you would like us to use for on-site signage. Please approve by replying back to this email or by signing and faxing it back to my attention 212-456-6774. If you have any questions please let me know
Matt

From: Pam Zam [mailto:pzam@dcshoes.com]
Sent: Monday, November 08, 2004 8:27 PM
To: Gizzi, Matt
Cc: Roger Russell
Subject: Winter X 05 Deadlines

Matt-
Here's some info due today:

- PR: DC Shoes: Sally Murdoch 760-599-2999 x360
- On-Site Signage: DC Shoes: see attached (same as last year) signs were black with white logos

Please let me know if you need anything else.
Regards
-Pam Zam

From: Roger Russell [mailto:roger.russell@quiksilver.com]
Sent: Monday, November 22, 2004 7:02 PM
To: Gizzi, Matt; Sullivan, Kathleen A.
Subject: Re: Winter X DC/Quik Breakdown

FYI...Approved by Quik as well...-RR

From: Pam Zam <pzam@dcshoes.com>
Date: Mon, 22 Nov 2004 15:30:09 -0800
To: "Gizzi, Matt" <Matt.Gizzi@espn.com>, "Sullivan, Kathleen A." <Kathleen.A.Sullivan@espn.com>
Cc: Roger Russell <roger.russell@quiksilver.com>
Subject: FW: Winter X DC/Quik Breakdown

Hi all-
Here's the email overview I received from Kim Neel and Bob Graf.
Please see in red below how DC and Quik will divide the package.
Please email me with any questions...as I will be out of the office until Dec 6th.
Thanks
-Pam Zam

Television Overview

52 Winter X-Games Units (Flight begins 1/5)

ABC

4 live competition units DC/Quik

ESPN (28 Total units)

20 live competition units DC/Quik
8 units to run in highlights/repeats/sportscenter DC/Quik

ESPN 2 (20 Total units)
20 Highlights/repeats/sportscenter DC/Quik

Once we get the Winter X 2005 event schedule, ESPN will endeavor to allocate live units in events appropriate for D/Q (DC/Quiksilver)

* Any under delivery will be made good through a package of similar programming.

93 Total Vignettes/Sportscenter and ancillary inventory (Flight begins 1/5)

33 Prime and Weekend Units: DC/Quik
60 Total Promotional Vignettes: ESPN and ESPN2 DC/Quik: our commercials should only be used with our athletes.

22- Day/Fringe (M-Sun 3a-7pm)
18- Prime (M-Sun 7p-11:59pm)
8- West Coast Prime (M-Sun 12a-3a)
12- Weekend (S/S 12N-6:59pm)

This can be discussed between Pam and Kim, based on 26,317,000 P18-34 impressions.

Image Vignette Campaign runs 12/15-1/19
Footage Campaign begins 1/19 and leads up to the event

X Games Feature (TBD) DC/Quik
D/Q will have ability to run two brands in a Winter X on-air feature.
Ex. for D/Q to choose one from the following...
1. Stomped - Best trick brought to you by DC or Quik.
2. Tomorrow at X - Previews of upcoming X events.

Timing and placement of the feature is left to production's discretion. Each feature will run twice for a total of 4 on air Winter X Games features.

Rotation of graphic inserts DC/Quik (billboards)
Gold Only (Total number not guaranteed/added value) On screen Logo will appear for...
- Starting line-up
- Event information
- Various rules
- Qualifier line-up

Radio Overview

DC/Quik

In lieu of 40 units on expn radio D/Q will receive two athlete interviews on air to talk about Winter X. These interviews will run in two places:

1. as part of EXPN Radio programming
2. as part of a tune-in message that would run across EXPN Radio

Athletes must be agreed on by both parties and delivered by DC/Quik

These interviews could run up to 10-15 times over a four week period. Conversely longer interviews can be cut and

run fewer times. Concept will be determined by production and client.

Total Radio impressions 11.1 million.

Print Overview

- Spread in ESPN The Magazine "Winter X Preview" DC
- Spread and Full in EXPN. 500K distribution of 12-29 year olds. Quik

Online Overview

Sponsor Index: all sponsors have a fixed logo on the sponsor index page and placed in alphabetical order. DC/Quik

Banner Rotation: sponsor creative will run through EXPN and ESPN.com during their flight to fulfill impression guarantees. DC/Quik

Signage Overview

Gold Exclusive

- Start Houses 3 venues(X, Slopestyle & Superpipe) One Brand per venue (per start house) DC/Quik
 - Start backdrop "walls" 2 venues (Moto X and Snocross) One brand per venue DC/Quik
 - Awards Stage: One brand DC
 - Competitor Bibs: Quik
 - JumboTron: One Brand DC (this is only the frame of the jumbotron, not the spots that run)
 - Triangle Towers at base of Buttermilk: One or two brands DC/Quik
 - Superpipe Height Meter Towers: DC/Quik
- One or two brands

Breakdown by Venue

Base

Awards Stage(*Gold only*)see above DC
JumboTron (*Gold only*)see above DC
Triangle Towers at base of Buttermilk(*Gold only*)see above DC/Quik
Entrance Truss: One brand only Quik
Tent top signage: One or Two Brands DC/Quik
All sponsor banner at VIP Events: One Brand DC

Competition

Superpipe (Men's-Snowboard and Ski, Women-Demo Only)

Start Houses (*Gold only*) see above **Quik**
Height Meter Towers (*Gold only*) See above **DC/Quik**
Competitor Bibs (*Gold only*) See above **Quik**
Course Signage: Two brands divided by percentages i.e.: 60% 20% 20% Or One Brand **DC/Quik 50/50**
Finish Corral: Two brands by percentage or one brand **DC/Quik 50/50**

Snocross (Men's only)

Start backdrop "wall" (*Gold only*) See above **Quik**
Course Signage including tough blocks: Two brands divided by percentage or one brand **DC/Quik 50/50**

Moto X (Men's only)

Start backdrop "wall" (*Gold only*): see above **DC**
Course Signage: Two brands by percentage or One Brand **DC/Quik 50/50**
Finish Corral: Two brands by percentage or One Brand **DC/Quik 50/50**

Slopestyle (Men's and Women's-Snowboard, Ski)

Start House (*Gold only*) See above **Quik**
Competitor Bibs (*Gold only*) See above **Quik**
Course Signage: Two brands by percentage or one brand **DC/Quik 50/50**
Course Gates: Two brands by percentage only **DC/Quik 50/50**
Finish Corral: Two brands by percentage or one brand **DC/Quik 50/50**

X Course (Men's and Women's-Snowboard, Ski; Men's-Ultracross, Hillcross)

Start House (*Gold only*) See above **Quik**
Competitor Bibs (*Gold only-no bibs for Hillcross*) See above **Quik**
Course Signage: Two brands by percentage or One Brand **DC/Quik 50/50**
Course Gates: Two brands by percentage only **DC/Quik 50/50**
Finish coral: Two brands by percentage or One Brand **DC/Quik 50/50**

** Based on '04 plan. This is tentative and subject to change.

On-Site

- 20x20 sq Ft Interactive Village booth (Gold Only) Can be broken out by advertiser as two 10x10's **Quik**
- Jumbotron Spots: 1-2 Brands. Average One spot per hour **DC/Quik 50/50**
- Billboards: 1-2 Brands. Average One spot per hour **DC/Quik 50/50**
- PA Announcements: 1-2 Brands. Average One spot per hour **DC/Quik 50/50**
- Spread ad In Spectator guide 2, 1 page ads??? **DC** and **Quik** each one page???
- EXPN Pro-shop- Premier real-estate and promotion opportunity. To be discussed **DC/Quik**
- Exclusive demos/clinics and or athlete signings in the snow and skate park. TBD **DC/Quik**

Hospitality

- 12 Full VIP Credentials DC/Quik 50/50
- 6 Rooms for 3 nights DC/Quik 50/50 (per our phone call today with Kathleen...I asked for 6 nights...we will have to pay)
- 6 coach round trip airfare DC/Quik 50/50
- 6 Daily VIP -day access only DC/Quik 50/50

** Best effort to purchase additional rooms in Aspen with the ESPN block at various hotels. Requests need to be submitted as soon as possible.

*** Current Hotel for sponsor VIP's is the Hotel Jerome.

----- End of Forwarded Message

----- End of Forwarded Message